

AV NT-026PN

PTO/SB/01A (06-03)



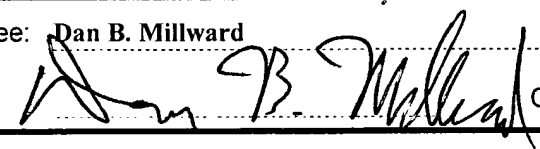
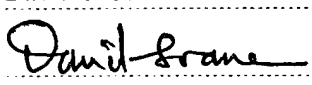
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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

<b>Title of Invention</b>	Composite Fibrous Substrates Having Protein Sheaths
As the below named inventor(s), I/we declare that: This declaration is directed to: <input type="checkbox"/> The attached application, or <input checked="" type="checkbox"/> Application No. <u>10/624,096</u> , filed on <u>07/21/2003</u> , <input type="checkbox"/> as amended on <u>n/a</u> (if applicable);  I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;  I/ we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;  I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.  All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.	

<b>FULL NAME OF INVENTOR(S)</b>	
Inventor one:	<u>David A. Offord</u>
Signature:	<u></u> Citizen of: <u>US</u>
Inventor two:	<u>William Ware Jr.</u>
Signature:	<u></u> Citizen of: <u>US</u>
Inventor three:	<u>Dan B. Millward</u>
Signature:	<u></u> Citizen of: <u>US</u>
Inventor four:	<u>David S. Soane</u>
Signature:	<u></u> Citizen of: <u>US</u>

☒ Additional inventors or a legal representative are being named 1 (one) additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

**Title of Invention**

Composite Fibrous Substrates Having Protein Sheaths

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/624,096, filed on 07/21/2003,
- ☐ as amended on n/a (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/ we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**Inventor one: Manfred A. YoungSignature: Citizen of: US

Inventor two: \_\_\_\_\_

Signature: \_\_\_\_\_

Citizen of: \_\_\_\_\_

Inventor three: \_\_\_\_\_

Signature: \_\_\_\_\_

Citizen of: \_\_\_\_\_

Inventor four: \_\_\_\_\_

Signature: \_\_\_\_\_

Citizen of: \_\_\_\_\_

☒ Additional inventors or a legal representative are being named 1 (one) additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Attorney Docket No. AVNT-026PN

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David A. Offord et al.

Serial No.: 10/624,096

Filed on: 07/21/2003

For: Composite Fibrous Substrates Having  
Protein Sheaths

**ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73**  
**AND POWER OF ATTORNEY BY ASSIGNEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned, being Assignee of record in the above-identified application by virtue of an Assignment filed concurrently herewith (*a copy of which is attached*), hereby elects, under 37 C.F.R. §3.71, to prosecute the application to the exclusion of the inventors.

The Assignment *filed concurrently herewith* has been reviewed by the undersigned pursuant to 37 C.F.R. §3.73. The undersigned certifies that to the best of the undersigned's knowledge and belief, title remains in the Assignee.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith:

Representative Customer No.: 23979  
(Jacqueline S. Larson, Reg. No. 30,279)



**23979**

PATENT TRADEMARK OFFICE

Send Correspondence to:

Customer No.: 23979

Direct Telephone Calls to:

Jacqueline S. Larson, Esq.  
(408) 615-0502

NANO-TEX, LLC

Date:

9-29-2003

By:

Name: David A. Offord  
Title: Vice President

**ASSIGNMENT OF PATENT APPLICATIONS**

WHEREAS, we, David A. Offord, William Ware Jr., Dan B. Millward, David S. Soan, and Manfred A. Young, hereinafter referred to as "Assignors", are inventors of the inventions described and set forth in the applications for United States Letters Patent listed on Schedule A attached hereto (the "Patent Rights"); and

WHEREAS, Nano-Tex, LLC, a California limited liability company (the "Assignee"), having a place of business at 5770 Shellmound St., Emeryville, CA 94608, is desirous of acquiring an interest in the Patent Rights and in any Letters Patent and Registrations which may be granted on the same;

NOW THEREFORE, for good and valuable consideration, the receipt, sufficiency and adequacy of which are hereby acknowledged by Assignors, Assignors do hereby:

SELL, ASSIGN AND TRANSFER to Assignee their entire right, title and interest for the United States and all foreign countries in and to the Patent Rights and to any and all future improvements thereon and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on the same; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on the inventions and any improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such applications in the United States;


AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on the inventions to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by Assignors;

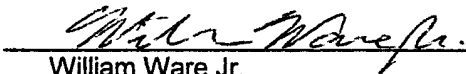
COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, Assignors will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on the inventions and any improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to Assignors relating to the inventions and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to the inventions and any improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such invention and improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

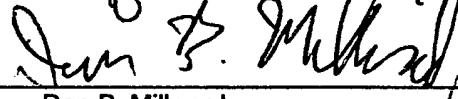
IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

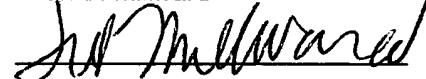
(Signature)  Date: 8/25/2003  
Name: David A. Offord

Witnessed by: Jacqueline Larson Name: JACQUELINE LARSON Date: 8-25-2003

(Signature)  Date: Aug. 25, 2003  
Name: William Ware Jr.

Witnessed by: Jacqueline Larson Name: JACQUELINE LARSON Date: 8-25-2003

(Signature)  Date: 9-23-03  
Name: Dan-B. Millward

Witnessed by:  Name: Jim Millward Date: 9-23-03

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(Signature) David Soane Date: 9-3-03  
Name: David S. Soane

Witnessed by: Jacqueline Larson Name: JACQUELINE LARSON Date: 9-3-2003

(Signature) Manfred A. Young Date: 9-12-03  
Name: Manfred A. Young

Witnessed by: Christy C. Joyce Name: Christy C. Joyce Date: 9-12-03

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**SCHEDULE A****Patent Rights**

<u>Serial No.</u>	<u>Filing Date</u>	<u>Title</u>
10/624,095	07/21/2003	Composite Fibrous Substrates Having Carbohydrate Sheaths
10/624,096	07/21/2003	Composite Fibrous Substrates Having Protein Sheaths

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